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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,816	12/20/2000	Dale W. Malik	BS00-171	4055

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EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,816

Applicant(s)

MALIK, DALE W.

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/3/2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (US 6,999,993 B1) in view of L'Heureux et al. (US 6,697,942 B1).

5. In regard to claims 1, 23, 38, 44 and 49, Shah disclosed an individually customized email system. The email system received user-defined commands. The user-defined commands were executed on an email server to assist in filtering and routing email on the server. See Shah, column 7, lines 1-6, column 7, line 59 – column 8, line 19, column 8, lines 31-52, column 11, lines 62-67, column 12, lines 5-15, column 12, lines 35-63.

6. Shah failed to disclose the transmission of commands within an email sent to the server. However, L'Heureux disclosed the embedding of server commands for SMTP functions within an email. The email was received by the server, parsed, and the commands executed upon the server or device.

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See L'Heureux, column 4, lines 44-45, lines 53-60; column 5, lines 33-39, lines 55-67; column 6, lines 1-23.

7. Shah gave motivation for the combination with L'Heureux in column 2, lines 22-34. L'Heureux further supported the combination in column 2, lines 52-56. Therefore, it would have been obvious to one of ordinary skill in the art to use the L'Heureux techniques of transmitting configuration commands via email to be executed on a server with Shah's configurable email distribution system to allow users more control over their email and reduce the amount of unwanted email or spam in their inboxes.

8. This combination fulfills the claim limitations of claims 1, 23, 38, 44 and 49:

receiving an email at the source email server, wherein the email is separate from the predetermined set of emails stored on the source email server, wherein said email has a destination email address in a first field, a code in a second field and an instruction in a third field, wherein said destination corresponds to a subscriber account on the remote email network;

checking a database to determine a permission for the destination email address; and

applying the instruction to the predetermined set of emails if the permission is granted.

Claims 23, 38, 44 and 49 are substantially the same as claim 1, and are rejected with the same combination.

9. In regard to claims 2, 48,

populating the database with subscriber email addresses corresponding to subscriber accounts authorized to remotely manage emails. Shah, column 8, lines 54-67

10. In regard to claims 3, 25,

populating the database with a device type associated with each subscriber email address, and wherein step (b) further comprises the steps of checking the database for the device type corresponding to the destination email address, determining if the device type is compatible with the instruction, and modifying the instruction according to the device type. Shah, column 12, lines 1-34

11. In regard to claims 4, 26,

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- receiving a second email at the source email server, wherein said second email comprises a local subscriber's identification in a sender field and wherein said second email comprises at least one subscriber email address in a body field. Shah, column 12, lines 1-34*
12. In regard to claim 5,
- the code comprises a predetermined data string and wherein the second field is a message subject field. Shah, column 12, lines 1-34*
13. In regard to claims 6, 39, 45,
- the first field is a sender field. Shah, column 12, lines 1-34*
14. In regard to claims 7, 40,
- the code comprises a predetermined data string and wherein the second field comprises an addressee field. Shah, column 12, lines 1-34*
15. In regard to claim 8,
- the predetermined string corresponds to an email account on the source server. Shah, column 12, lines 1-34*
16. In regard to claims 9, 24,
- sending an information message to the destination email address if the permission is denied. L'Heureux uses standard email protocol transmissions. Using SMTP and POP (Fig. 2), an email message would be bounced back if a user account was not present on the server (the permission is denied)*
17. In regard to claims 10, 27, 41,
- the instruction is a retrieve command, and wherein in response to said instruction, step (c) comprises sending the predetermined set of emails to the destination email address. Shah, column 12, lines 1-34*
18. In regard to claims 11, 28, 47,
- the instruction comprises a command and a criteria, and wherein in response to said instruction, step (c) further comprises the steps of searching a mailbox associated with the*

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subscriber account to select the predetermined set of emails according to the criteria. Shah, column 12, lines 1-34

19. In regard to claims 12, 29,

the command is a retrieve command. L'Heureux, column 10, lines 34-50

20. In regard to claims 13, 30 43,

the command is a delete command. L'Heureux, column 10, lines 34-50

21. In regard to claims 14, 31,

the command comprises a retrieve command and a delete command. L'Heureux, column 10, lines 34-50

22. In regard to claims 15, 32,

the criteria comprises a sender's name string. Shah, column 12, lines 35-45.

23. In regard to claims 16, 33,

the criteria comprises a subject string. Shah, column 12, lines 35-45.

24. In regard to claims 17, 34,

the criteria comprises a date string. Shah, column 12, lines 35-45.

25. In regard to claims 18, 35,

the criteria comprises a Boolean operation and a plurality of date strings. Shah, column 12, lines 35-45.

26. In regard to claims 19, 36,

the criteria comprises a subject string and a sender's name string. Shah, column 12, lines 35-45.

27. In regard to claims 20, 37,

the criteria comprises a recipient name string. Shah, column 12, lines 35-45.

28. In regard to claims 21, 42, 46,

the third field comprises a body field. Shah, column 12, lines 34-45

29. In regard to claim 22,

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the instruction comprises a null string and wherein step (c) comprises performing a default action on the predetermined set of emails. Shah, column 12, lines 1-34

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Feinleib US 6,272,532 B1


Arnold et al. US 6,965,918 B1

Hussey US 6,230,156 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jason Cardone
Supervisory Patent Examiner
Art Unit 2145